

REMARKS

This application has been reviewed in light of the Office Action dated January 22, 2008. Claims 1, 2, 4, and 9-11 are presented for examination, of which Claims 1 and 9 are in independent form. Claims 1, 2, and 4 have been amended to define Applicants' invention still more clearly. Claims 9-11 have been added to provide Applicants with a more complete scope of protection. Claims 3 and 5-8 have been canceled, without prejudice or disclaimer of the subject matter presented therein. Favorable reconsideration is requested.

Claim 5 was rejected under 35 U.S.C. § 101. Claim 5 has been canceled. Accordingly, it is believed that the rejection under 35 U.S.C. § 101, has been obviated, and its withdrawal is therefore respectfully requested.

Claims 3 and 7 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 3 and 7 have been canceled. Accordingly, it is believed that the rejection under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

The Office Action rejected Claims 1, 2, 5, and 6 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,537,314 (*Kanter*) in view of U.S. Patent Number 5,025,372 (*Burton et al.*, hereinafter *Burton*); and rejected Claims 3, 4, 7, and 8 under 35 U.S.C. § 103(a) as being unpatentable over *Kanter* in view of *Burton*, and further in view of Official Notice. Applicants respectfully traverse these rejections and submit that amended independent Claim 1 and added independent Claim 9, together with the claims dependent therefrom, are patentably distinct from the cited art for at least the following reasons.

Without conceding the propriety of the rejections, and in order to expedite prosecution of the present application, Applicants have herein amended independent Claim 1 to

further clarify one of Applicants' embodiments for facilitating a non-currency-based transaction. Support for amended Claim 1 can be found in at least paragraphs 102-107 of the specification as originally filed, with particular focus on the discussion regarding Figure 15.

Amended Claim 1 facilitates a non-currency-based transaction from the purchase/payment selection point through settlement. In general, a non-currency-based provider program is selected for payment, a user's account for currency-based transactions is designated to be funded by a user's non-currency-based account in the selected program, and thereafter a secondary transaction number (STN) is generated and provided to the merchant (*See* both "selecting" steps, "designating" step, and "generating" step). The merchant then (after non-currency based payment selection and STN generation) requests authorization from the provider using the STN (*See* "providing the STN . . ." step).

Several steps are preformed by the provider during authorization. The account balance of the non-currency-based account is verified as being at or above the transaction amount (*See* the second "converting" step). While the account balance of the non-currency-based account has already been verified (*See* the first "converting" step), the provider performs this analysis again during authorization (*See* the second "converting" step). The provider reduces the cash equivalent value available to the STN by the transaction amount, as stored in the non-currency-based-account-STN profile, and records a record of the authorized transaction in the non-currency-based-account-STN profile (*See* "reducing" and "recording" steps). This reduction does not actually reduce value in the non-currency-based account and instead reduces value in the profile, actual value in the non-currency-based account is deducted during the settling steps (*See* "deducting" step). The provider also checks to see if any limited-use parameters are associated with both the STN and the primary

account and, if so, the provider checks to see if they are satisfied (*See* both “determining if a limited-use parameter . . .” steps).

The settling step begins at some point after authorization. During settling, a determination is made to see if a record of the transaction was recorded in the non-currency-based-account-STN profile (*See* “determining if a record . . .” step). Also, the corresponding cash equivalent of the transaction amount is actually deducted from the non-currency-based account of the user (*See* “deducting” step).

As best understood by Applicants, the art relied by the Office, including *Kanter*, *Burton*, and the systems described in Applicants’ Background, along with the Office’s Official Notice statements, all fail to teach or reasonably suggest the combination of the aforementioned transaction processing features of amended Claim 1. For at least this reason, Applicants submit that the Office cannot sufficiently establish a *prima facie* case of obviousness against amended Claim 1, and that the proposed combination of *Kanter*, *Burton*, the systems described in Applicants’ Background, and the Office’s Official Notice statements, even if deemed legally permissible or technically feasible, would fail to arrive at the non-currency-based transaction method of Claim 1. Accordingly, the rejection under 35 U.S.C § 103(a) is deemed obviated, and its withdrawal is respectfully requested.

Independent Claim 9 includes features similar to that discussed above with respect to Claim 1. Therefore, that claim is also believed to be patentable for at least the same reasons as discussed above.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim also is deemed to define an additional

aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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